

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

UNITED STATES OF AMERICA §  
§  
§  
v. § CASE NO. 3:16-CR-00341-1  
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KYLE SCOTT BOYD §  
a.k.a. KYLE SCOTT BYRD §  
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§

**DEFENDANT KYLE BOYD'S MOTION  
TO MODIFY CONDITIONS OF RELEASE**

Defendant Kyle Scott Boyd, through his undersigned counsel, hereby moves the Court for an Order to modify the Conditions of Release in this case. In support thereof, Mr. Boyd submits the following:

1. Mr. Boyd's current Conditions of Release allow him to travel to Belize, Guatemala and Mexico. See Sec. 7(f)(Doc. 16).
2. Mr. Boyd has recently been working on a project with BE-Wind that may require him to travel to France, Spain and Italy in March and/or April. He believes there is a chance that if these sales are completed he will receive a commission that can go towards his tax liabilities. Mr. Michael Berdan, CEO of BE-Wind, has written a letter in which he describes his belief that Mr. Boyd's presence is required to attempt to close the sales. See Exhibit A.
3. Counsel communicated with Ms. Annie Fuentes at pretrial services who stated she has no opinion on the travel matter and that Mr. Boyd has been compliant with his

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conditions of release and properly notifies her when he is travelling out of the country.

4. On March 9, 2017, Counsel communicated with AUSA David Jarvis, who indicated the government takes no position on the motion and leaves the matter to the Court's discretion.

FOR THESE REASONS, Mr. Boyd respectfully requests that the Conditions of Release be modified to allow him to travel from his residence at 5734 Vickery Blvd, Dallas, Texas to France, Spain and/or Italy.

Respectfully submitted,

By: /s/ Michael A. Villa, Jr.  
MICHAEL A. VILLA, JR.  
Texas State Bar No. 24051475  
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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing motion has been filed electronically, on this the 10<sup>th</sup> day of March, 2017 and a copy sent to the United States Attorney's Office and the U.S. Probation Officer through the court's electronic filing system.

**CERTIFICATE OF CONFERENCE**

On March 9, 2017, counsel conferred with U.S. Pretrial Services Officer Annie Fuentes and Assistant U.S. Attorney David Jarvis who stated they have no position on this motion.

By: /s/ Michael A. Villa, Jr.  
MICHAEL A. VILLA, JR.  
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ATTORNEY FOR DEFENDANT

B E - W S n d

16269 WIND VIEW LANE, WINTER GARDEN FL. 34787

**To whom it may concern:**

I am Michael Berdan, CEO of BE-WIND LLC.

We are a small wind turbine company, manufacturing in the USA.

I brought Kyle Boyd into our company as our director of business development about four months ago,

Please reference <http://www.be-wind.com> (go to the contact page) and see Kyle's position referenced.

Kyle has worked diligently to get our sales moving from single unit sales to multi-unit transactions with commercial users.

Through Kyle's efforts we have an opportunity to close two very large deals.

One 60 plus units and the other over 100 units.

One of the clients has refused to move forward without Kyle's direct involvement.

Kyle brought him in and he is demanding Kyle's presence for the site visits.

Kyle and I have tried to interject myself and others as a stand in for Kyle and the client has rejected the idea.

Kyle made me aware of his situation with the government and IRS before I hired him.

Our discussion with Kyle is that his sales commissions will be used toward his government debits until paid.

The closure of these sales represents his ability to more than contribute to his debt.

I would appreciate it very much for Kyle to be permitted to travel outside the US sometime in March or April as the client dictates for these site visits.

The travel will be to France, Italy and Spain to high altitude and coastal locations where the sustained winds are high and BE-WIND products will possibly be installed.

Sincerely,



MICHAEL BERDAN  
214-649-4862  
mberdan@be-wind.com

